

# **HIPAA WORKGROUP MINUTES**

For November 26, 2001 Meeting

## **Topic 1 – Introduction:**

The meeting was opened by Ken McKinstry. Entities represented were: OHI, DMH, ADP, HHS, DDS, DOIT, OSHPD, HHSDC, Medi-Cal, DSS, Los Angeles Co, CAMHDA, Kern Co, San Diego Co, Sutter Co, Stanislaus Co, Sacramento Co, San Bernardino Co, Marin Co, Tulare Co Mental Health, Humboldt Co, Fresno Co, Riverside Co Mental Health, Riverside Co, Butte Co, Solano Co, Napa Co, Placer Co, San Francisco Co, and Santa Clara Co. The following entities provided an update on their HIPAA efforts:

Discussed budget impacts and status of departmental efforts.

Steve from Sutter County said: How do we measure the impact when we had no resources before the cuts and we have no resources after the cuts? (Everyone agreed!)

## **Topic 2 – Office of HIPAA Implementation (OHI):**

Presented by Burt Cohen, Assistant Agency Secretary, CHHSA. OHI has had it's kickoff meeting where introductions were made, awards presented to Ken McKinstry, Judy Gelein and Burt Cohen, the assessment handed out and the OHI Organization Chart presented. We have also had two training classes on filling out the assessment document. OHI wants to work with departments on doing their assessments. It is difficult to follow a discussion on the budget mess; however, we need to keep the process moving. HIPAA is very important. Burt is reasonably optimistic that we can get back on track as the economy picks up. In the meantime we can work on policies, assessments, etc., so when things do pick up there is a plan to follow. OHI wants to get an advisory process in place.

Theresa Hart discussed the assessment tool. The assessment is Legislatively mandated and departments are required to fill it out and return to OHI by December 31, 2001. It will provide us a baseline, for the legislature, and tell us who is participating. The document was sent to Department heads, directors, Offices and Commissions. We also introduced it at the OHI Kickoff meeting, at DOIT CIO meeting and held two training sessions. The survey questions was developed in with the help of the HIPAA sub workgroups. This is an indication of how OHI will be working with the Statewide and Sub Workgroups. The assessment is only required for State departments. Counties and other entities are welcome to use it for their efforts. If you have any questions or comments, e-mail them to Theresa Hart at [thart@chhs.ca.gov](mailto:thart@chhs.ca.gov).

Ken McKinstry was presented with a commendation from the HIPAA team for all his efforts on HIPAA through the years. Laurie Valentine read the poem and made the presentation.

## **Topic 3 – MSA Workgroup:**

Bid evaluations are underway. Call Pam at DGS, (916) 324-4336, to see if they still need evaluators.

#### **Topic 4 – Conferences:**

Upcoming Conferences critical to CA:

?? 1/7 – 11, HL7 Jan. Working Group Meeting. San Diego, CA

#### **Topic 5 – Project Coordination:**

Many issues have been added to the Issues Forum area. There are 25 issues and we have not many comments. Please go to <http://www.dmh.cahwnet.gov/HIPAA2001/> to review and comment on the issues. OHI will be looking at these Issues for possible use in formulating policy. Marilyn asked how do we get answers to our questions? She said she posted a question and hasn't received an answer. Ken said he has been checking and didn't see her question. Ken will get together with Marilyn to resolve the problem. The Communications workgroup will be looking at taking this function over.

Ken brought up Control Agency oversight issues and requested that they keep oversight simple. OHI has met with DOIT for standardizing reporting, and they hope to bring DOF into this. DOIT is open to streamlining the reporting process. Coordination is being started.

#### **Update on Federal schedules:**

Security rule and Employer Identifier rule by December 31, 2001,  
Health Plan Identifiers and Provider Identifiers should be published early in 2002  
Draft regulation for electronic medical records for public review by the end of 2002  
NPRM on Doctors First Report of Injury expected in 2002  
There is much work left to do" on the enforcement NPRM, release some time in 2002  
Draft rule modifying Privacy Rule apparently on schedule for release December this year

#### **Topic 6 – County Issues:**

Ray Reis, Sacramento County, Co-Chair of the County Issues Workgroup, reported: At today's meeting we finalized and approved Consensus item #3 on Business Associate Relationships and Consensus item #6 on Rules Application in Multi-Disciplinary Programs/Teams. We have decided to interpret the term "meaningful information" the same as the W&I Code does. We also had a preliminary discussion on rules application to In Home Support Services. We initiated discussion on Indigent Health Services and whether the program would be considered a Health Plan or Health Provider. The discussions will be continued at the next meeting. See meeting notes on the HIPAA website at: <http://www.dmh.cahwnet.gov/HIPAA2001/> .

Ray Reis will not be able to co-chair this sub-workgroup after January 7, 2002. Anyone interested in helping to facilitate this group please contact Ray Reis at (916) 875-9708 or [reisr@saccounty.net](mailto:reisr@saccounty.net) .

The next County Issues meeting will be held Monday, December 17, 2001, from 12:00 to 1:00 at 714 P Street, Auditorium.

**Topic 7 – Transaction and Code Sets Standards :**

Marchel Burgess reported that she gave Karen's presentation regarding addendums, dates and how to formulate questions and comments at the last meeting. A copy of the presentation is available. If you have questions, comments or would like a copy of the presentation please e-mail Karen Weber - [kweber@dhs.ca.gov](mailto:kweber@dhs.ca.gov), or Marchel Burgess – [mburge10@dhs.ca.gov](mailto:mburge10@dhs.ca.gov).

**Topic 8 – Privacy, Confidentiality and Security Standards :**

Schneor Sherman reported: Meetings were held on October 30th and November 13<sup>th</sup>. The templates have undergone a 45-day review and comment period. OHI is also reviewing the templates.

The next meeting will be held Tuesday, November 27, 2001, 10:00 – 11:30 at the CalPERS Bldg. 4<sup>th</sup> and P Streets, Conf Rm 1170. The website for this workgroup is: <http://www.dds.ca.gov/hipaasecurity/Main/HIPAASecurityMain.cfm>

**Security Privacy Assessment:** DHHS has changed their original plans for conducting their assessment and now expect to complete it by December 31, 2001 instead of the end of January 2002. They will not be hiring any assessors and will have consultants conducting some of the assessments. The rest of the assessments will be done via the web. Passwords and logon ids will be issued to appropriate persons.

**Data Sharing:** Shneor Sherman stated that when doing assessments identify all interfaces whether electronic or paper. You may not be able to continue sharing data the same as you do today under HIPAA privacy rules. For advise check with your legal counsels.

**Topic 9 – Unique Identifiers Standards :**

Sara Gilb reported: Nothings been changed during November. Within the next month or so the final NPRM rule should be out. There will not be any meetings until more information is received. Provider Taxonomy is taking longer than expected. Only worked through 6 out of 20 requests.

**Topic 10 – Communications :**

Marilyn VonBrauchitsch and Marchel Burgess are the Co-Chairs of this group. They will have their first real meeting on November 27, 2001 in the Bateson Bldg. They will work closely with Theresa Hart. Haven't done anything yet but are definitely gearing up. If interested in joining the Communications sub-workgroup e-mail Marchel at [mburge10@dhs.ca.gov](mailto:mburge10@dhs.ca.gov) or Marilyn at [mvonbrauchitsch@dmh.co.la.ca.us](mailto:mvonbrauchitsch@dmh.co.la.ca.us) .

Someone asked if OHI would have a website and how they would function with the workgroups. Theresa Hart said that OHI is required to have a website and would be

working with DMH. They would like the Statewide and Sub-Workgroups to continue as they are. OHI staff will participate in the workgroups. They want to help write the papers, etc.

**Topic 11 - Next Meeting:**

The next meeting will be held Monday, December 17, 2001, from 1:30 to 4:00 at 714 P Street Auditorium.